



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approval of Tribal Council Meeting Minutes)

WHEREAS, pursuant to Article XI, Section 3, of the Constitution of the White Mountain Apache Tribe, the Secretary of the Tribal Council is responsible for keeping and maintaining minutes of all Council meetings; and

WHEREAS, pursuant to Article XIII, Section 5 of the Constitution of the White Mountain Apache Tribe, the order of business requires a reading of the minutes; and

WHEREAS, the Tribal Council Secretary requested for approval of the attached meeting minutes prepared from the Tribal Council meetings on July 11, 2020 and July 22, 2020 held on August 5, 2020; and

WHEREAS, the Tribal Council finds it in the best interest of the White Mountain Apache Tribe to approve the meeting minutes from the Tribal Council meetings held on August 5, 2020, as prepared and presented by the Tribal Council Secretary.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the meeting minutes from the Tribal Council meetings on July 11, 2020 and July 22, 2020 held on August 5, 2020, as prepared and presented by the Tribal Council Secretary

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances or Federal Laws, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairwoman, or in her absence, the Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on AUGUST 5, 2020 duly adopted by a vote of ELEVEN for and ZERO against with ZERO abstaining by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

Handwritten signature of Gwendena Lee-Gatewood in black ink.

Gwendena Lee-Gatewood, Chairwoman

8/24/2020
Date

Handwritten signature of Doreen T. Numkena in black ink.

Doreen T. Numkena, Tribal Secretary

8/24/2020
Date



White Mountain Apache Tribe

Emergency Meeting Minutes

July 11, 2020 – 3:00 P.M.

Telephonic

The meeting was called to order via Telephone Conference at 3:50 P.M. by Chairwoman Gwendena Lee Gatewood

Prayer was offered Travis Tessay

Roll Call: Chairwoman Gwendena Lee Gatewood, Vice Chairman Jerome Kasey, Arnold Beach, Travis Tessay, Aubrey Aday, Gary Alchesay, Alvena Bush, Kasey Velasquez (Not on Phone Conference: Jerold Altaha, Renaldo Dazen, Alvin Declay)

Others: A.G. Kealoha Douma, Doreen Numkena-Council Secretary

Amending Resolution No. 06-2020-134 to Lift the Shelter in Place Order Immediately

A.G. Kealoha Douma read the draft Resolution to amend Resolution No. 06-2020-34 to lift shelter-in-place order immediately due to water issues.

Motioned by Kasey Velasquez, seconded by Travis Tessay to approve resolution as presented.

Vote: 8-0-0 Motion passed. (Res. No. 07-2020-160)

Prior to calling the meeting to order it was explained by Al Brooks and Johnny Joe that there were no water breaks in the system, but that the low water pressure was caused by an airlock in the water system. They will continue to work on the problem and will keep the Council informed of the water issues. Water Buffalos will be delivered to the East Fork area for the residents without transportation to have access to water. It was recommended that the restrictions for Shelter-in-Place be lifted immediately in order for residents to go purchase water for their households as it was uncertain when the water pressure issues would be resolved. There were discussions of the urgent need for water due to COVID 19 and the extreme high temperature weather predictions for the weekend.

The Chairwoman announced water will be delivered from Hondah to be given out to residents in Whiteriver and East Fork and Seven Mile areas. Councilman Tessay asked that the Chairwoman contact Norma DeHose at Cibecue for the delivery of water to that area also. It was announced that Basha's will be opened tomorrow from 7:00 a.m. to 7:00 p.m. The Chairwoman will announce the actions taken today by the Tribal Council on KNNB for immediate notice to the People.

Adjournment: 4:10 P.M.

Recorder: Doreen T. Numkena, Tribal Council Secretary



White Mountain Apache Tribe

Special Meeting Minutes

July 22, 2020 – 1:00 P.M.

TELECONFERENCE

I. CALL TO ORDER

- A. Meeting was called to order at 1:08 A.M. by Chairwoman Gwendena Lee-Gatewood
- B. Prayer was offered by Vice Chairman Jerome Kasey
- C. Roll Call: Chairwoman Gwendena Lee-Gatewood, Vice Chairman Jerome Kasey III, Arnold Beach, Travis Tessay, Jerold Altaha, Renaldo Dazen, Alvin Declay, Aubrey Aday, Gary Alchesay, Alvena Bush, Kasey Velasquez
Attorneys: Kealoha Douma, Kimberly Cromwell
Others: Deron Peaches, Francene Larzelere, Bob Higgins, Stuart Leon, David Kitcheyan

II. NEW BUSINESS:

Consent Agenda Items: A, B(1-3), C, D, E

- A. Request for Tribal Endorsement for Re-election – Hon. Judge Robert Higgins
Resolution: Endorsing Judge Robert Higgins for Reelection to the Navajo County Superior Court
 - B. Work Session Resolutions:
 - 1. Approving Agreement with Moss Adams LLP for Accounting Services, Not to Exceed \$35,000, and Approving Limited Waiver of Sovereign Immunity for the Same
 - 2. Approving Agreement in the Amount of \$210,000 Between the Tribe and REDW for Performance of the 2020 Single Audit
 - 3. Authorizing Purchase of Travel Trailers for WMAT Emergency Management Services
 - 4. Allocating \$178,750 of CARES Act Relief Funds for the WMAT Apache Fire and Rescue Cibecue Fire Station
 - C. NIH Radx- HUBS Supplemental Grant
 - D. Amend Resolution – Stay at Home Order for Acorn Harvesting
 - E. Request for In-Person Meeting with Senior Pastors
- Motioned by Jerold Altaha, seconded by Kasey Velasquez to approve consent agenda Items A, B(1-3)-C, D, E. Vote: 10-0-1. Motion passed.
The Consent Agenda items were included in the Agenda Packets for Council Review prior to the meeting. There were discussions about Acorn Harvesting and the Stay at Home Order. It was to be considered an essential travel item. Acorn is a good traditional food source that is part of the Apache Diet. The resolution will be written to allow for the Acorn gathering outside the boundaries of reservation to not violate the closed areas order on the reservation and for the curfew to still be observed.
- F. Consideration of Appointment of Associate Judge – A.G. KeAloha Douma
The Attorney General recommended Tribal member, Mickey Isaiah Benally, for the Council's consideration as Associate Judge. He received his Jurist Doctorate Degree in 2019. She stated he is law

trained and that would be advantageous for the tribal courts. Mr. Benally is presently studying and preparing for his Bar exam.

- Motioned by Gary Alchesay, seconded by Alvin Declay to approve Mickey Benally as Associate Judge. Vote: 11-0-0. Motion passed.

G. Rural Water Update Report: Kealoah Douma, Mike Watson, Cheryl Pailzote

Kealoah introduced the Water Team and their experience with the tribe. She gave a brief history of the attorneys that have worked for the Tribe on Water Rights. She reported Bob Brauchli, Mike Watson and Cheryl Pailzote were the major players on the team. The Tribe is now in a new position. Bob Brauchli assured her the tribe had a good team in place and that Tribe is in a good place. Everything is moving forward. The tribe is moving on schedule to meet the enforceability date of April 2023. A written report was provided to the Council and it was reviewed in detail with the Council. It contained a summary of Water Rights Settlement Value and information of Status at the end of Old Reclamation Contract of September 30, 2018. Also contained information on New Reclamation Contract (September 30, 2020) and Record of Decision (April 30, 2023). The Council had concerns about the drilling that was being done at Miner Flat. Mike Watson explained they received a lot of seepage. HDR took over to do a three-dimensional model. They were not just looking at how water flows in one direction but were looking at all three dimensions. Cheryl Pailzote spoke about the sedimentation area and that the work had been completed. She also spoke about some issues with COVID 19. Mike Watson stated the Record of Decision will be done by April 2023 and that would be a real starting point in finishing the project. The construction will be a 2-3 year project. The Council was urged to study and learn about this project. The Chairwoman asked that the Council to go through Cheryl Pailzote as Project Manager, for any field trips to the Dam.

H. Authorizing Extension of Public Safety Pension Plan to Emergency Medical Services Personnel - Catherine Langford

Ms. Langford provided a detailed memo explaining the plan and reviewed it thoroughly with the Council. A handout "Defined Benefit Plan" was also provided, which Ms. Langford reviewed with the Tribal Council. She reported the plan requires the tribe to contribute \$2.6 million to start up the group. Payroll costs would be the same as the other groups. It offers the same benefits as to other groups but with an upfront deposit. The Director of EMS stated they had the funds but would like to request some assistance from the tribe. Ms. Langford clarified this resolution was to get EMS on the PSP plan and she will get a cost proposal together for the Tribal Council's approval at subsequent meeting.

- Motioned by Alvin Declay, seconded by Jerold Altaha to approve the resolution for the Tribe's PSP to be extended to include the Tribe's certified EMS. Vote: 10-0-1 Motion passed.

I. ~~Approval of 2020-2021 Non-Member Hunting Regulations – G&F Director, Stuart Leon~~ Not Presented

J. ~~Approval of 2020-2021 Tribal Member Hunting Regulations – G&F Director, Stuart Leon~~ Not presented

K. Trophy Elk Hunt Outlook – G&F Director, Stuart Leon

The discussion was about the 2020 Trophy Elk Hunt and the pros and cons of whether to proceed with the hunt or not due to the pandemic. Game and Fish was informed by Sunrise that their boiler was down and the hotel would not be ready in time for the hunt. Other options were offered such use of the cabins. After the pandemic hit, Dr. Leon said that had changed everything. Usually they start preparing for the Elk Hunt in April and also get ready for the Spring Gobbler Hunt. The Gobbler Hunt did not happen. Due to the road closures the cabins are not ready. Dr. Leon contacted EOC in June to engage EOC on what it would take to mitigate potential risks at the camps. He also was in touch with IHS and started a risk analysis. He said if the Council decides to go forward with the hunt "we have a good road map". He said they could work very fast and get

the camps ready for the hunt or stand down for this year-- "That is the question." When asked by the Chairwoman if the hunters had paid their fees, Stuart replied "yes". The Council was concerned about the hunt and the potential risks of anyone contracting the Coronavirus during the hunt. The following are some concerns that were discussed:

- Mitigating risks with the campers/hunters/tribal members
- Do tests on everyone and sanitize and disinfect everyone – How would test kits be paid for
- Do not allow clients to bring guests
- Workers to stay at camp for the duration of the hunt – not allowed to go home
- Liability issues if someone becomes sick with COVID 19
- How to get help quickly if someone gets ill – the camps are in remote areas
- Can Hawley Lake be used as alternate site for Sunrise
- Should the hunt be open to Tribal members – need more information on that

It was the Council's decision to table this item until next week to get more information together. The Director Stuart Leon, Evalene Tulene, Edwin Kane and camp bosses were tasked with getting input from all the guides, skinners, bird dogs, kitchen staff, etc. in writing of ways to have a safe hunt and what they can do and their thoughts of the hunt during this pandemic. The statements are to be carefully considered and written in paragraphs rather than a simple statement. These comments are to be given to the Director to give to the Chairwoman, Vice, and Council. The attorney is to get something in place for liability issues.

IV. ADJOURNMENT: The meeting adjourned at 5:56 P.M.

Recorder: Doreen T. Numkena, Tribal Council Secretary